IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 2 OF 2006

IN

FAMILY COURT APPEAL NO. 30 OF 2001

Mrs. Meena Dinesh Parmar .. Applicant

V/s

Dinesh Hastimal Parmar .. Respondent

Mr.A.M. Joshi for the Applicant.

Mr.R.D. Mishra for the Respondent.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.

DATE : 18/10/2006

P.C. :

1. Heard Mr.Joshi in support of this Review Application. Mr.Mishra appears for the Respondent.

2. This application for review makes a grievance that the judgment and order passed by us on 4th February 2005 while disposing of F.C.A. No.30 of 2001 though provided for maintenance, it did not specifically state as to from what date the payment is to be made. Mr.Joshi submits that it should be from the date of the application or at least from the date of filing of the appeal in this Court. Mr.Mishra, on the other hand, submits that it cannot be from any date other than the

date of the order.

3. When the matter appeared on the last date, we noticed that the Respondent husband was in arrears. We therefore thought that before we proceed with the matter, it would be proper that the Respondent clears his arrears. Mr.Mishra has shown us the receipts of deposits made in the Family Court including the last two payments of Rs.20,000/- and Rs.21,000/-. He points out that thus the Respondent has deposited an amount of Rs.60,000/- so far which covers the maintenance amount as directed by this Court from the date of the order until end of September 2006. Mr.Joshi is not in a position to confirm about the one figure of Rs.21,000/-. However, what we find is that the said payment is forwarded to the Family Court at Pune by a bank draft on 16th October 2006. It will be credited in a shortwhile.

4. This being the position, we have now to consider as to from what date the revised maintenance should be made payable. We must note that earlier the Applicant was awarded Rs.500/- only and it is only because the relations between the parties were being severed, that to provide appropriately for the child in future, the maintenance amount was revised. That being the position, it would be in fitness of things that the amount should be made payable from the date of the order that this Court passed, i.e. 4th February 2005.

5. Mr.Joshi points out that the Applicant had been given certain gold ornaments weighing 33 tolas and silver ornaments weighing 4 kgs. There is a reference to those ornaments in para 3 of the judgment. He submits that the Applicant would like to claim these articles also. It will be open to the Applicant to make necessary application to the Family Court for that purpose, whereafter hearing the Respondent and after following due process of law that Court can decide as to whether the claim is maintainable or not.

6. Review Application stands disposed of with the clarification as above. The amount deposited in the Family Court at Pune may be withdrawn by the Applicant.

(H.L. GOKHALE, J.)

(R.S. MOHITE, J.)